

CHAPTER 15 VETERANS COMMEMORATIVE PROPERTY

801—15.1(37A) Purpose. Pursuant to Iowa Code section 37A.1, these rules establish the process for the sale, trade or transfer of veterans commemorative property.

801—15.2(37A) Definitions. For the purposes of this chapter, the following terms are defined as follows:

“*Cemetery*” means any area that is or was open to use by the public in general or any segment thereof and is used or is intended to be used to inter or scatter remains, including a pioneer cemetery as defined in Iowa Code section 523I.102. “*Cemetery*” does not include the following:

1. A private burial site where use is restricted to members of a family, if the interment rights are conveyed without a monetary payment, fee, charge, or other valuable form of compensation or consideration;
2. A private burial site where use is restricted to a narrow segment of the public, if the interment rights are conveyed without a monetary payment, fee, charge, or other valuable form of compensation or consideration; or
3. A religious cemetery as defined in Iowa Code section 523I.102 that commenced business prior to July 1, 2005.

“*Department*” means the Iowa department of veterans affairs.

“*Veteran*” means a deceased person who served in the armed forces of the United States during a war in which the United States was engaged or served full-time in active duty in a force of an organized state militia, excluding service in the National Guard when in an inactive status.

“*Veterans commemorative property*” means any memorial as defined in Iowa Code section 523I.102, including a headstone, plaque, statue, urn, decoration, flag holder, badge, shield, item of memorabilia, or other embellishment, that meets all of the following criteria:

1. Is over 75 years old;
2. Identifies or commemorates any veteran or group of veterans, including any veterans organization or any military unit, company, battalion, or division; and
3. Has been placed in a cemetery.

“*Veterans organization*” means the Grand Army of the Republic, Sons of Union Veterans of the Civil War, Sons of Confederate Veterans, Veterans of Foreign Wars, Disabled American Veterans, United Spanish War Veterans, the Jewish War Veterans of the United States, Inc., the Catholic War Veterans, Inc., American Legion, American Veterans of World War II, Italian American War Veterans of the United States, Inc., or other corporation or association of veterans.

801—15.3(37A) Notification procedure.

15.3(1) Notification. Prior to the sale, trade or transfer of veterans commemorative property, a person who owns or controls a cemetery where veterans commemorative property has been placed shall provide notice to the department and obtain written authorization. Notification to the department shall be submitted for review on forms provided by the department 60 days prior to the proposed transaction date of the veterans commemorative property.

15.3(2) Notification forms. Notification forms may be obtained from the Iowa Department of Veterans Affairs, Camp Dodge, Bldg. A6A, 7105 NW 70th Avenue, Johnston, Iowa 50131-1824, or from the department’s Web site at www.iowava.org.

801—15.4(37A) Transaction approval. Upon receipt of transaction notification and supporting documentation, the department shall take action on the request within a reasonable time frame not to exceed

60 days. The following criteria will be considered in evaluating a request:

15.4(1) *Risk of deterioration.* The department may authorize the sale, trade, or transfer of veterans commemorative property, if the veterans commemorative property is determined to be at risk of deterioration to a point where the veteran, group of veterans, or veterans organization that the property commemorates will be unrecognizable.

15.4(2) *Relocation of veterans commemorative property to a suitable location.* The department may authorize the sale, trade, or transfer of veterans commemorative property if the transaction will be made with an individual or organization that will preserve the current condition of the property and will display the property in a manner that will commemorate the veteran, group of veterans, or veterans organization for which the property was intended.

15.4(3) *To provide for the maintenance of cemetery property.* The department may authorize the sale, trade, or transfer of veterans commemorative property if the transaction is necessary to ensure that sufficient funds are available to maintain the cemetery where the veterans commemorative property is placed and the specific lot, plot, grave, burial place, niche, crypt, or other place of interment of a veteran or group of veterans.

15.4(4) *Veterans commemorative property will be suitably replaced.* The department may authorize the sale, trade, or transfer of veterans commemorative property if the property will be replaced at the same site, with a memorial that will continue to commemorate the veteran, group of veterans, or veterans organization that the original memorial was intended to honor.

15.4(5) *Donating veterans organization approval.* The department may authorize the sale, trade, or transfer of veterans commemorative property if the veterans organization that is believed to have donated the property consents to the transaction.

15.4(6) *Lending owner approval.* The department may authorize the sale, trade, or transfer of veterans commemorative property if the owner of the property authorizes the transaction and is aware the cemetery will retain the proceeds of the transaction.

801—15.5(37A) Appeals.

15.5(1) *Final department action.* Action taken on the application shall be the final decision of the department.

15.5(2) *Review.* Review of the department's final decision may be sought in accordance with Iowa Code section 17A.19. Written notice of appeal should be directed to the Executive Director, Iowa Department of Veterans Affairs, Camp Dodge, Bldg. A6A, 7105 NW 70th Avenue, Johnston, Iowa 50131-1824, within 30 days of receipt of final department action.

801—15.6(37A) Penalty. Engaging in the sale, trade, or transfer of veterans commemorative property without department authorization is punishable as a simple misdemeanor pursuant to Iowa Code section 37A.1(3).

These rules are intended to implement Iowa Code section 37A.1.

[Filed 11/28/07, Notice 10/24/07—published 12/19/07, effective 1/23/08]